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{ REPORT
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NEW ENGLAND NATIONAL SCENIC TRAIL DESIGNATION ACT

JUNE 16, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 1528]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “New England National Scenic Trail Designation Act”.

SEC. 2. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“(27) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled ‘New England National Scenic Trail Proposed Route’, numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the ‘Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment’, prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.”.

SEC. 3. MANAGEMENT.

The Secretary of the Interior (hereafter in this Act referred to as the “Secretary”) shall consider the actions outlined in the Trail Management Blueprint described in the report titled the “Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment”, prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

SEC. 4. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this section may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

SEC. 5. ADDITIONAL TRAIL SEGMENTS.

Pursuant to section 6 of the National Trails System Act, the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

PURPOSE

The purpose of H.R. 1528 is to amend the National Trails System Act to designate the New England National Scenic Trail.

BACKGROUND AND NEED

H.R. 1528 amends the National Trails System Act (16 U.S.C. 1241–1251) to designate most of the Metacomet-Monadnock-Mattabesett (MMM) Trail System as the New England National Scenic Trail. The MMM Trail System is a 190-mile trail route, in existence for over half a century, which extends from the Massachusetts border with New Hampshire through western Massachusetts and Connecticut toward Long Island Sound.

The National Trails System Act of 1968 instituted a national system of historic, scenic, and recreation trails. National Scenic Trails are extended trails “so located as to provide maximum outdoor recreation potential, and for the conservation and enjoyment of nationally significant scenic, historic, natural, or cultural qualities of areas through which such trails may pass.”

The Metacomet-Monadnock-Mattabesett Trail Study Act of 2002 (Public Law 107–338) directed the Secretary of the Interior to study this trail system for potential addition to the National Trails System. A Draft National Scenic Trail Feasibility Study and Environmental Assessment were completed in Spring 2006. The final version of the study was released in 2008.

The study found that the MMM Trail System hosts an array of scenic features, classic New England landscapes, and historic sites. The preferred alternative of the study calls for the establishment of the New England National Scenic Trail to incorporate most of

the MMM Trail system, adjusted by some rerouting and proposed extensions, for a total proposed length of approximately 220 miles.

LEGISLATIVE HISTORY

H.R. 1528 was introduced on March 14, 2007, by Representative Olver. On October 10, 2007, the Committee on Natural Resources reported the bill by voice vote (H. Rpt. 110–502). On January 29, 2008, H.R. 1528 passed the House of Representatives by a vote of 261–122. A companion measure, S. 923, was introduced by Senator Kerry on March 20, 2007. Senators Kennedy, Dodd and Lieberman are cosponsors. On April 28, 2008, the Subcommittee on National Parks held a hearing on both H.R. 1528 and S. 923. The Committee on Energy and Natural Resources ordered it favorably reported on May 7, 2008.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1528, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 1528, the Committee adopted an amendment in the nature of a substitute. The amendment makes clarifying and technical changes recommended by the Administration. The amendment also strikes a provision related to the application of state and local laws to federal lands within the trail. The provisions of the substitute are described in more detail in the section-by-section analysis.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title.

Section 2 amends section 5(a) of the National Trails System Act by adding a new section to designate the New England National Scenic Trail. The section also contains a map reference and prohibits the United States from acquiring for the trail any land or interest in land without the consent of the owner.

Section 3 requires the Secretary to consider the actions outlined in the Trail Management Blueprint as the framework for management and administration of the New England National Scenic Trail.

Section 4 authorizes the Secretary to enter into cooperative agreements with the Commonwealth of Massachusetts, the State of Connecticut, and other regional, local, and private organizations deemed necessary to accomplish trail management and protection.

Section 5 encourages the Secretary to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail as a component of the New England National Scenic Trail. This section also states that inclusion of the segment is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

H.R. 1528—New England National Scenic Trail Designation Act

H.R. 1528 would amend the National Trails System Act to designate approximately 220 miles of trail from Long Island Sound in Connecticut to the New Hampshire-Massachusetts border as a scenic trail in the National Trails System. The route would include portions of the existing Mattabesett, Metacomet, and Metacomet-Monadnock trails. The proposed route would not involve any federal land. The National Park Service (NPS) would administer the trail and coordinate the efforts of public and private entities on trail administration, planning, development, and maintenance. All activities would be carried out in accordance with the Trail Management Blueprint, prepared as part of a feasibility study for the trail.

Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that establishing and administering the proposed scenic trail would cost about \$2 million over the 2009–2013 period for administrative and maintenance costs, including additional personnel.

H.R. 1528 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On October 26, 2007, CBO provided a cost estimate for H.R. 1528 as ordered reported by the House Committee on Natural Resources on October 10, 2007. The two bills are similar and their estimated costs are the same.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1528. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1528, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 1528, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at a hearing on H.R. 1528 on April 23, 2008.

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee today to discuss the views of the Department of the Interior on S. 923 and H.R. 1528, bills to amend the National Trails System Act by designating the New England National Scenic Trail as a component of the National Trails System.

The Department supports enactment of this legislation. At a hearing on May 15, 2007, in the House Subcommittee on National Parks, Forests, and Public Lands, the Department testified in support of H.R. 1528.

S. 923 and H.R. 1528 would designate an approximately 220-mile trail route from Long Island Sound in the Town of Guilford, Connecticut, to the New Hampshire-Massachusetts border in the Town of Royalston, Massachusetts, as the New England National Scenic Trail. The route includes portions of the existing Mattabesett, Metacomet, and Metacomet-Monadnock trails studied under Public Law 107-338, the Metacomet-Monadnock-Mattabesett Trail Study Act of 2002. The proposed New England National Scenic Trail would be administered by the Secretary of the Interior and managed through partnership agreements with the State of Connecticut and the Commonwealth of Massachusetts, the Connecticut Forest and Park Association, the Appalachian Mountain Club, and other local stakeholders as appropriate. There are no existing federal lands associated with the proposed trail route and no new federal acquisition of lands is anticipated to be necessary to accomplish the purposes of S. 923 and H.R. 1528.

In spring 2006, the National Park Service produced the draft report and environmental assessment for the Metacomet Monadnock Mattabesett National Scenic Trail Feasibility Study. The report, which was recently transmitted to Congress, concludes that the proposed route meets the definition and intent for national scenic trail establishment under the National Trails System Act. The characteristics that make the proposed route worthy of designation include its scenic mountain landscape, historic New England villages, geological resources, and an abundance of endangered and natural communities.

The route traverses the Metacomet, Mt. Tom, and Mt. Holyoke ranges offering some of New England's most outstanding scenery and geologic features. Over 50 National Register Districts abut the trail. There are outstanding views from the trail as well as links to many side trails. The trail offers some the world's best opportunities to view volcanic, sedimentary, and glacial geology, including columnar basalt, fossils, and dinosaur footprints. Areas along

the trail have an outstanding richness of habitat types, natural communities, and rare and endangered species' habitats. In Connecticut, 132 occurrences of rare species or natural communities have been documented within 1,000 feet of the trail.

In addition, one of the most important factors identified in the National Trails System Act for evaluating potential new components of the system is proximity to population centers. Through the Act, Congress recognized the need to serve the nation's population centers with quality recreational opportunities. As such, the proposed New England National Scenic Trail offers a truly extraordinary opportunity, with over 2 million people living within 10 miles of the trail system.

S. 923 and H.R. 1528 would implement the environmentally preferred alternative of the study report and environmental assessment. This alternative was developed through a collaborative process with key trail stakeholders associated with the existing Metacombet Monadnock and Mattabesett trails, including the two states, the Appalachian Mountain Club, the Connecticut Forest and Park Association, and the 39 abutting communities. In addition, GIS mapping was cross-referenced against community land ownership data to build for the first time a database of more than 1,000 landowners on or near the trail route. These landowners and entities were all engaged directly in the study through regular mailings and invitations to information meetings and working sessions. Input from all of these sources was incorporated into the environmentally preferred alternative, which includes the following elements:

First, the "Blueprint for Management" included in the report was developed through input by a full range of study participants to provide the best blueprint for long-term trail viability. The National Park Service and Trail Stewardship Council would base trail management, administration and protection efforts on this document.

Second, the report calls for the creation of a Trail Stewardship Council that would bring trail partners and stakeholders together on a regular basis to discuss trail issues, coordinate management and protection of the trail, and generally guide implementation of the Management Blueprint. The Council would have advisory powers only, and would be non-regulatory in nature.

Third, the study identified no need for direct federal ownership or management of the trail. Thus, the National Park Service's role in implementing the proposed national scenic trail designation would be one of technical and financial assistance to existing trail partners, coordinated through the Trail Stewardship Council.

Fourth, a new unifying name, the New England National Scenic Trail, was suggested for national scenic trail purposes. Traditional trail names would continue to be used in guidebooks or on trail signs, as appropriate, such

as the Mattabesett Trail, part of the New England National Scenic Trail.

Finally, in addition to the proposed extension to Long Island Sound in Guilford, Connecticut, a new route for the national scenic trail is proposed in the Belchertown-Leverett area of Massachusetts. The new route is envisioned to take advantage of substantial state-owned lands that can provide a quality, protected trail route, while avoiding a segment of the Metacomet-Monadnock trail almost completely devoid of protected lands.

The draft report and environmental assessment for the Metacomet Monadnock Mattabesett Trail Study was released for public and agency review in August 2006. An executive summary was mailed to all identified trail landowners and stakeholders, along with invitations to public meetings in Connecticut and Massachusetts. Approximately 60 written responses were received between August and December 2006. The vast majority of these supported the environmentally preferred alternative, and only a few comments were received in opposition to national scenic trail designation.

The Department of Justice has advised us that requiring the Secretary to manage and administer the trail consistent with the Trail Management Blueprint may raise constitutional concerns, and it would like to work with the committee on that provision. In addition, the Department would like to work with the committee on some technical amendments to the Senate version of the bill to reflect the map reference contained in the House-passed version of H.R. 1528.

This concludes my prepared remarks, Mr. Chairman. I will be happy to answer any questions you or other committee members may have regarding this bill.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill H.R. 1528 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 90-543—Oct. 2, 1968

16 U.S.C. 1241 et seq.

AN ACT To establish a national trails system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Trails System Act”.

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SEC. 5. NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS.

(a) National Scenic and National Historic Trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

* * * * *

(27) *NEW ENGLAND NATIONAL SCENIC TRAIL.*—*The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled 'New England National Scenic Trail Proposed Route', numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the 'Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment', prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.*

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